IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 19960 of 2004

Between:

Dhulipala Lakshman Rao, S/o.Venkayya,
R/o.H.No.6-1138/2, Opp: Busdepot, Jaggaiahpet, Krishna Dist. A.P.

..... PETITIONER

AND

1. The District Level Committee, rep.by its Chairman, Krishna District, A.P.
2. The District Collector, Krishna (Machilipatnam).
3. The District Panchayat officer, Krishna Dist.
4. The Inspector of Police, Jaggaiahpeta Police Station, Krishna District.
5. The Station House Officer, Chillakallu, Krishna Dist.
6. The Village Secretary, Vedadri village, Krishna Dist.
7. The Mandal Revenue Officer, Jaggaiahpet Mandal, Krishna District.
8. The Mandal Development officer, Jaggalahpet Mandal, Krishna District.
9 Mr.Gutta Venkateshwara Rao, S/o.Krishna Murthy,
R/o. Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus declaring action of the 9th respondent in doing illegal sand mining on Krishna River Bed in the guise of Agreement dated 28-8-2004 and inaction of the other respondents in not preventing illegal sand mining inter alia in Krishna River Bed as complained in the representation dated 23-10-2004 and 26-10-2004 as illegal, unconstitutional and violative of Article 14, 16 and 21 of

Constitution of India and consequently direct the respondents not to permit the illegal sand mining in Krishna River Bed in the guise of Agreement dated 28-8-2004.

Counsel for the Petitioner: Mr. K.RAMAKANTH REDDY

Counsel for the Respondent No.1: Mr.D.Srinivas.

Counsel for Respondents 2,3,6,7&8: G.P. for Panchayat Raj.

Counsel for Respondents 4 and 5: G.P. for Home.

Counsel for Respondent No.9 : None appeared.

The Court at the admission stage made the following :

ORAL ORDER:

(per The Honourable Sri Devinder Gupta, the Chief Justice)

This Writ Petition is filed as Public Interest Litigation by Dhulipala Lakshman Rao alleging that Respondent No.9 is illegally sand-mining on Krishna River bed on the basis of lease agreement dated 28.8.2004, and, there has been inaction on the part of the respondents in not preventing illegal sand-mining, despite petitioner's complaint.

Respondents were called upon to file counter-affidavit.

P.Kasiviswanadham, Sub-Inspector of Police, filed counter-affidavit. Similarly, counter affidavit was filed by the seventh respondent, and, it is stated that contractor was violating clause 8(4) of the lease agreement by engaging cranes with diesel power-operated engines, which displaces large scale labour, which has since been stopped by the contractor. Clause 8 of the lease agreement says that no proclainer or labour displacing machinery will be utilized in quarrying operations. It is stated that the official respondents are ensuring that the activities of 9th respondent are in

accordance with terms of lease agreement. We take the statement of respondents on record. Since respondents are vigilant enough to ensure the implementation of the terms of the lease agreement and the rules and regulations, no further direction deserves to be issued in this Writ Petition.

The Writ Petition, therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

21.12.2004.

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M.NARAYANA REDDY, J.

VR

To

1. The Chairman, District Level Committee, Krishna District, A.P.
2. The District Collector, Krishna (Machilipatnam).
3. The District Panchayat Officer, Krishna District.
4. The Inspector of Police, Jaggaiahpeta Police Station, Krishna District.
5. The Station House Officer, Chillakallu, Krishna District.
6. The Village Secretary, Vedadri village, Krishna District.
7. The Mandal Revenue Officer, Jaggaiahpet Mandal, Krishna District.
8. The Mandal Development officer, Jaggalahpet Mandal, Krishna District.

9. Two CCs to Government Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT).

10. Two CCs to Government Pleader for Home, High Court Buildings, Hyderabad (OUT).

11. Two CD copies.